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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Belize*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide further information on cases in which the provisions of the Covenant have been invoked or referred to in national courts, and report on specific training on the Covenant provided for judges, lawyers and law enforcement personnel. Please clarify the interpretation given by domestic courts to the concept, set forth in section 3 of the Constitution, of "public interest" as a ground for restricting rights, and include examples of relevant case law.

2. Please report on measures taken to:

(a) Establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Resolve the issue of the limited resources allocated to the Office of the Ombudsman and the limited cooperation of the authorities in the exercise of its mandate.

Non-discrimination (arts. 2 and 26)

3. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 11), please clarify what measures have been taken to ensure that: (a) domestic legislation, including the Constitution, explicitly prohibits discrimination on the basis of language, religion, opinion, social origin, property, birth, sexual orientation, gender identity and other status; and (b) victims of discrimination have access to effective remedies in judicial and administrative proceedings.

4. Please indicate whether measures have been taken to repeal the discriminatory provisions contained in section 5 (1) of the Immigration Act of 2000 prohibiting entry into the State party to certain categories of foreigners on the basis of their health status, disability, sexual orientation or other status, including persons with physical or psychosocial disabilities, homosexuals and prostitutes.

5. Please:

(a) Report on measures taken to address discrimination on the grounds of sexual orientation and gender identity, including in relation to access to employment;

(b) Respond to reports of acts of hate speech and violence, including homicide, against lesbian, gay, bisexual, transgender and intersex individuals and the harassment of such individuals for reporting such acts. Please also indicate what measures have been taken to clarify the meaning, interpretation or application of section 5 (1) (e) of the

* Adopted by the Committee at its 122nd session (12 March–6 April 2018).

Immigration Act following the 2016 judgment of the Caribbean Court of Justice in the case of *Maurice Tomlinson v. The State of Belize* in order to ensure consistency with the principle of legal certainty and with Covenant obligations, in particular with the principle of non-discrimination.

Equality between men and women (arts. 3 and 25)

6. Please provide information on the progress made in achieving gender equality, including with regard to:

(a) Enhancing the representation of women in public and political life, including in legislative and executive bodies and local administrative bodies, especially in decision-making positions;

(b) Implementing the Equal Pay Act and closing the wage gap between men and women.

State of emergency (art. 4)

7. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 14) and the State party's report (see CCPR/C/BLZ/1, para. 27 and annex II), please report on the outcome of the review by the Attorney General's Ministry and on any other measures to ensure the compliance of the Constitution and the existing regulations governing states of emergency with article 4 of the Covenant, particularly with regard to the non-derogable rights during states of emergency and to the limiting of any derogations to those strictly required by the exigencies of the situation.

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

8. Please respond to reports of violence against women, including domestic violence, gender-based murders and rape, and elaborate on:

(a) The implementation in practice of the Domestic Violence Act;

(b) The impact of measures taken in the framework of the National Gender-Based Violence Plan of Action 2016–2020 to prevent and combat such violence;

(c) Measures to ensure the effective investigation, prosecution and punishment of perpetrators and to afford adequate remedies to victims (please provide relevant statistics);

(d) The availability of sufficient, safe and adequately funded shelters and victim assistance services. Please clarify the restricted criteria triggering the classification of an offence as marital rape under section 72 of the Criminal Code. Please also report on measures taken to address the underlying attitudes and systemic factors that deter victims from filing complaints or pursuing charges, such as fear for their personal safety.

Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

9. Please explain how section 112 of the Criminal Code is in line with the Covenant and report on measures taken to guarantee safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is not viable.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 9 and 14)

10. Please clarify whether measures are being planned or taken towards the abolition of the death penalty and accession to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

11. Please respond to reports of the high rate of homicide and the low rate of prosecution of such offences, and provide information on adequate measures taken to protect the right to life effectively. Please report on the outcome of the investigation into

the alleged involvement of members of the Coast Guard Service in the disappearance of three Belize City fishermen who went missing at sea in August 2015. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 19), please comment on continuing reports of the excessive use of force and firearms by police officers and security forces, including against minors, which has led to death in some instances. Please provide information on measures taken to prevent and combat such violations effectively, including:

(a) The legal standards applied in the State party on the use of force and firearms by the police and the sources of such standards in domestic law;

(b) Proper training provided for law enforcement officials and its impact;

(c) The implementation in practice of the Guidelines for the Treatment of Persons in Police Custody issued by the Commissioner of Police in January 2016;

(d) Clarification as to whether the independent complaints commission is functional;

(e) Measures to strengthen the independence of the Professional Standards Branch from the police and to provide it with adequate resources;

(f) The investigations conducted into cases of excessive use of force and deaths in custody, prosecutions pursued, convictions secured, punishments imposed on perpetrators and reparation made to victims. Please also provide information on the outcome of the court proceedings against police officers charged with murder resulting from the excessive use of firearms (see CCPR/C/BLZ/1, para. 38).

12. Please report on any efforts to define and criminalize the offence of torture in line with the Covenant and other international standards. Please provide information on allegations of the use of torture and/or ill-treatment in places of deprivation of liberty, including juvenile detention facilities, during the reporting period and on measures taken to:

(a) Raise awareness about the prohibition of torture in society and provide the police and security forces with comprehensive training in that prohibition;

(b) Ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an independent mechanism, that perpetrators are prosecuted and punished accordingly and that victims are provided with full reparation.

13. With reference to the Committee's previous recommendation (see CCPR/C/BLZ/CO/1, para. 18) and information in the State party's report (see CCPR/C/BLZ/1, para. 109, and annex II), please report on progress made in repealing Criminal Code provisions that allow corporal punishment and in explicitly prohibiting corporal punishment in all settings, including in the home.

Liberty and security of person and fair trial (arts. 2, 7, 9, 14 and 24)

14. Please respond to allegations that persons have been arbitrarily detained for longer than 48 hours without charge and that detention is used by police as a means of intimidation. Please report on measures taken to address the issues of prolonged pretrial detention, particularly of persons accused of murder, and delayed trials, and provide information on the implementation in practice of the Criminal Procedure Rules promulgated in January 2016 and their impact on the right of an accused person to be brought to trial within a reasonable time and without undue delay. Please provide relevant statistics on the number of prisoners in pretrial detention since 2014, with an indication of the duration of detention. Please clarify whether section 162 of the Indictable Procedure Act has been amended to provide explicitly that time spent in pretrial detention be taken into account when a sentence is calculated.

15. With reference to the Committee's previous recommendation (see CCPR/C/BLZ/CO/1, para. 20), please report on measures taken to address the delays in the delivery of justice, and on efforts to provide adequate resources for the judiciary. Please also report on the current status of the legal reform of the juvenile justice system (see CCPR/C/BLZ/1, para. 246), and provide information on issues relating to the reform,

including clarification on whether steps have been taken to bring the minimum age of criminal responsibility into line with international standards.

16. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, paras. 7 and 8), please clarify the current position of the State party concerning its reservations to articles 14 (3) (d) and 14 (6) of the Covenant, and report on measures taken to:

(a) Ensure that accused persons are provided with free legal assistance whenever the interests of justice so require;

(b) Guarantee legal representation to juveniles facing imprisonment;

(c) Address the shortage of staff at the Legal Advice and Services Centre. Please also clarify whether legislation providing for payment of compensation for wrongful imprisonment, as required by article 14 (6) of the Covenant, has been enacted, and provide information on the payment of such compensation in practice.

Treatment of persons deprived of their liberty (arts. 7 and 10)

17. Please report on measures taken to address instances of overcrowding and improve detention conditions in prisons and in police stations, including poor diet, water and sanitation, medical care and inadequate bedding, and clarify whether there have been any plans to revise the Prison Rules to increase the minimum standards for prisoners. Please advise on efforts to separate juvenile from adult female inmates. Please respond to allegations of inter-prisoner violence and the use of isolation in a small punishment room ("reflection room") lacking light and ventilation to discipline prisoners. Please report on any steps taken to bring current rules on solitary confinement into compliance with the Covenant.

Elimination of slavery and servitude (art. 8)

18. Please report on measures taken to combat the trafficking of children and adults for the purposes of forced labour and sexual exploitation, including child sex tourism, and, in particular, on efforts to improve the identification of victims of trafficking and to address both the lack of trust in law enforcement officials and the low rate of prosecution of trafficking cases. Please respond to reports of the complicity of officials in human trafficking-related offences and impunity for such acts. Please provide information on the number of cases of trafficking since 2013, the investigations and prosecutions initiated under the Trafficking in Persons (Prohibition) Act 2013, the convictions secured, the sanctions imposed on perpetrators and the reparation provided for victims, including compensation.

Freedom of movement (arts. 2 and 12)

19. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 6), please clarify whether there have been any plans to review the necessity of requiring Tax Clearance Certificates from persons intending to travel abroad and of the corresponding reservation to article 12 (2) of the Covenant.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10 and 13)

20. Please respond to concerns that the strict interpretation of the 14-day deadline for asylum applications set forth in section 8 (1) of the Refugees Act places refugees at risk of detention and refoulement, and report on steps taken to ensure that individuals, including unaccompanied or separated children, who claim to fear returning to their country of origin are not detained and deported without access to a proper substantive review of their asylum claim. Please indicate what measures are in place to ensure that the relevant authority decides upon positive refugee recognition decisions by the Refugee Eligibility Committee without undue delay, to provide adequate human and financial resources at the Refugees Department and to reduce the backlog of asylum claims. Please clarify whether consideration has been given to amending the Refugees Act to ensure that decision-making

on refugee status in the first instance and on appeal is not vested in the same authority and whether there are plans to allow asylum seekers access to the job market.

21. Please respond to the following concerns and report on measures taken to address them:

(a) Criminalization of irregular immigrants under the Immigration Act; the detention of such migrants, including detention for an indefinite period, with convicted persons in inadequate prison conditions; and the detention of immigrant children under 18 years of age and unaccompanied minors in detention facilities for juvenile offenders;

(b) Denial of the right to appeal against, inter alia, orders for immediate removal or orders to leave within 60 days of entering the State party issued by immigration officers;

(c) Lack of free legal representation.

Freedom of expression and the prohibition of advocacy of national, racial or religious hatred (arts. 2, 19 and 20)

22. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 21), please report on the impact of the libel and defamation laws on freedom of expression and their compatibility with article 19 of the Covenant, indicate the penalties applied for such acts and clarify whether there are any plans to decriminalize libel and defamation.

23. Please indicate whether there are plans to adopt legislation clearly prohibiting propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and providing for appropriate sanctions in case of violation.

Rights of the child (arts. 23, 24 and 26)

24. Please report on:

(a) Progress made towards ensuring the registration of all births;

(b) Measures to prevent early and forced marriage, and whether steps have been taken to raise the minimum age of marriage;

(c) Measures to address child abuse, including sexual abuse, and to ensure that acts of abuse are effectively investigated, that perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including prompt and adequate specialized care.

Participation in public affairs (arts. 25 and 26)

25. Please clarify whether measures have been taken to review existing legal provisions denying the right to vote to any person "certified to be insane or otherwise adjudged to be of unsound mind" and to convicted persons serving prison sentences exceeding 12 months.

Rights of indigenous peoples (art. 27)

26. Please respond to reports of insufficient or no consultation with Maya indigenous peoples when oil exploration licences are issued. Please report on measures taken to respect and protect the rights of Maya indigenous peoples, and provide information on the progress made in implementing the Consent Order delivered by the Caribbean Court of Justice on 22 April 2015 concerning Maya customary land tenure rights and in developing and establishing a dispute resolution mechanism. Please also indicate what steps have been taken to ensure meaningful consultation with the indigenous communities in this process.

Dissemination of information relating to the Covenant (art. 2)

27. Please indicate what measures have been taken to disseminate information on the Covenant, the initial report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society and non-governmental organizations in the preparation of the report.